

# HOUSE . . . . . No. 1973

By Mr. Travis of Rehoboth, petition of Philip Travis and another for legislation to require new motor vehicles sold or leased in the Commonwealth be equipped with diagnostic recording devices. Transportation.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO MOTOR VEHICLES EQUIPPED WITH CERTAIN RECORDING DEVICES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 90 of the General Laws is hereby amended by adding  
2 the following section:—

3 Section 62 (o). A manufacturer of a new motor vehicle sold or  
4 leased in the commonwealth, which is equipped with one or more  
5 recording devices commonly referred to as “event data recorders  
6 (EDR)” or “sensing and diagnostic modules (SDM),” shall dis-  
7 close that fact in the owner’s manual for the vehicle.

8 (b) As used in this section, “recording device” means a device  
9 that is installed by the manufacturer of the vehicle and does one or  
10 more of the following, for the purpose of retrieving data after an  
11 accident:

12 (1) Records how fast and in which direction the motor vehicle  
13 is traveling.

14 (2) Records a history of where the motor vehicle travels.

15 (3) Records steering performance.

16 (4) Records brake performance, including, but not limited to,  
17 whether brakes were applied before an accident.

18 (5) Records the driver’s seatbelt status.

19 (6) Has the ability to transmit information concerning an acci-  
20 dent in which the motor vehicle has been involved to a central  
21 communications system when an accident occurs.

22 (c) Data described in subdivision (b) that is recorded on a  
23 recording device may not be downloaded or otherwise retrieved  
24 by a person other than the registered owner of the motor vehicle,  
25 except under one of the following circumstances:

26 (2) The registered owner of the motor vehicle consents to the  
27 retrieval of the information.

28 (3) In response to an order of a court having jurisdiction to  
29 issue the order.

30 (4) For the purpose of improving motor vehicle safety,  
31 including for medical research of the human bodys reaction to  
32 motor vehicle accidents, and the identity of the registered owner  
33 or driver is not disclosed in connection with that retrieved data.  
34 The disclosure of the vehicle safety, including for medical  
35 research of the human bodys reaction to motor vehicle accidents,  
36 does not constitute the disclosure of the identity of the registered  
37 owner or driver.

38 (5) The data is retrieved by a licensed new motor vehicle dealer  
39 or by an automotive technician for the purpose of diagnosing, ser-  
40 vicing or repairing the motor vehicle.

41 (d) A person authorized to download or otherwise retrieve data  
42 from a recording device pursuant to paragraph (3) of subdivision  
43 (c), may not release that data, except to share the data among the  
44 motor vehicle safety and medical research communities, to  
45 advance motor vehicle safety, and only if the identity of the regis-  
46 tered owner or driver is not disclosed.

47 (e) (1) If a motor vehicle is equipped with a recording device  
48 that is capable of recording or transmitting information as  
49 described in paragraph (2) or (6) of subdivision (b) and that capa-  
50 bility is part of a subscription service, the fact that the information  
51 may be recorded or transmitted shall be disclosed in the subscrip-  
52 tion service agreement.

53 (2) Subdivision (c) does not apply to subscription services  
54 meeting the requirements of paragraph (1).

55 (3) This section applies to all motor vehicles manufactured on  
56 or after July 1, 2004.